



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 03 2015

REPLY TO THE ATTENTION OF:

By Electronic Mail to wwehrum@hunton.com and by Regular Mail

William Wehrum
Hunton and Williams
2200 Pennsylvania Avenue, NW
Washington, D.C. 20037

Re: C. Reiss Coal Company Clean Air Act Information Request for Monitoring of Particulate Matter

Dear Bill:

Thank you for the information submitted on August 21, 2015, and the additional information submitted in response to questions from my staff submitted on August 28, 2015.

After reviewing that information, the U.S. Environmental Protection Agency (EPA) is not persuaded that it shows that the C. Reiss Coal Company (C. Reiss) no longer need comply with the requirement to install fence line particulate matter monitors and meteorological towers at its Green Bay and Duluth facilities because of control measures adopted at these facilities. This letter notifies C. Reiss that EPA finds that it failed to comply with Requests 6-25 of the March 4, 2015 Section 114 Information Request and Requests 15-34 of the March 13, 2015 Section 114 Information Request requiring the installation of monitors and meteorological towers at the Green Bay and Duluth facilities, respectively.

On August 20, 2015, EPA forwarded to C. Reiss some measures that could be adopted to control emissions from bulk solid material stockpiles, some of which measure in excess of 35 feet tall at C. Reiss' two facilities, sufficient to avoid monitoring. They included:

- A. Enclosing the entire stockpile;
- B. Installing a barrier wall taller than the height of the piles, equipped with strategically placed water cannon(s) and pile height restrictions;
- C. Tarping the stockpile; and
- D. Reducing/Eliminating bulk solid materials storage on site.

Instead, C. Reiss offered to conduct quarterly Method 9 observations, to conduct periodic Method 22 training, to enhance recordkeeping of fugitive dust observations and corresponding corrective actions, to limit pile heights to no higher than the facilities' water cannons and water trucks are able to apply water, and to update the sites' Fugitive Dust Control Plan.

The additional monitoring offered by C. Reiss is insufficient if not conducted on a frequent and rigorous basis that takes into account local meteorological conditions. C. Reiss makes no plan for addressing high wind conditions or for measuring wind conditions on site. Quarterly Method 9 readings are not frequent enough, and C. Reiss includes no information regarding the frequency of Method 22 readings on site. Up until August 2015, no monitoring of fugitive dust was conducted on site, and, without more detail, we are not convinced of the efficacy of the program proposed by C. Reiss. With a facility as large as C. Reiss, even one employee dedicated solely to the collection of Method 22 readings would not be able to take readings off of the multiple stockpiles located at C. Reiss' two facilities. C. Reiss offers no other alternative to the frequency of the data that would be collected by monitors. If there is not a rigorous monitoring program in place, enhanced recordkeeping will be inconsequential.

Further, we do not find the pile height limitations imposed by C. Reiss to be persuasive in controlling emissions. An analysis based on emission rates, not on water cannon height, would be appropriate to determine if pile height limitations are effective. Further, it is unclear from the Duluth facility whether the water cannon height corresponds to the height of the stockpiles proposed by C. Reiss.

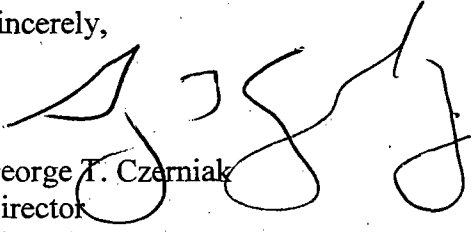
In its response to the Information Requests, C. Reiss objected to the financial burden of installing the monitors and towers on the company. C. Reiss' claims about affordability of the monitors has not been substantiated. To date, C. Reiss has provided no financial information that shows installation of the monitors is not affordable by C. Reiss. A mere statement of the costs, without specific information regarding the profitability of C. Reiss, is not sufficient to show that C. Reiss cannot afford installation of the monitors. We note that a number of facilities, including C. Reiss' sister company KCBX Terminals, Inc., have installed monitors in similar circumstances.

Further, EPA is not aware of any specific objection set forth by C. Reiss that applies to the meteorological towers that were required to be installed by both Requests. As stated previously, EPA finds that it is imperative that each facility collect site specific meteorological data, especially wind speed, so that rapid measures may be employed once high wind conditions exist.

EPA continues to be open to discussing options for compliance with the Requests that would be affordable for C. Reiss and would provide EPA with the necessary air monitoring data. As you know, EPA has articulated its justification for installation of the monitors, including the Agency's interest in determining whether C. Reiss is in compliance with the Wisconsin and Minnesota State Implementation Plans. In talking with C. Reiss about our interest in protecting the communities closest to C. Reiss facilities from airborne particulate matter, we discussed the prevailing wind direction for both facilities, and the close proximity of both sites to nearby residents that may be impacted by emissions.

EPA remains willing to work with C. Reiss to address the facility's non-compliance. If you have any questions, please contact Nicole Cantello at cantello.nicole@epa.gov or (312) 886-2870.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division